

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:

Big Bear Cafe, LLC
t/a Big Bear Cafe
1700 First Street NW
License #ABRA-084379
Retailer Class CR
Case #14-PRO-00084

MONDAY, DECEMBER 1, 2014

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The Alcoholic Beverage Control Board
met in Alcoholic Beverage Control Hearing Room,
7th Floor, at 941 North Capitol Street, N.E.,
Washington, D.C., Ms. La Verne Fletcher, Agent,
presiding.

1 P-R-O-C-E-E-D-I-N-G-S

2 10:04 a.m.

3 AGENT FLETCHER: Is anyone present in
4 the matter of Big Bear Cafe -- Big Bear Cafe?

5 Thank you.

6 This is the Case #14-PRO-00084, Big
7 Bear Cafe LLC, trading as Big Bear Cafe; 1700
8 First Street NW; License #ABRA-084379.

9 This is a Retailer CR, Substantial Change,
10 Expansion of Sidewalk Cafe seating from 38 to 99.
11 The protest issues are adverse impact on peace,
12 order and quiet, residential parking and real
13 property values.

14 My name is La Verne Fletcher, and I'm
15 conducting the Roll Call Hearing as the Board's
16 Agent pursuant to D.C. Official Code 1601.2.

17 Introductions beginning with the
18 Applicant, please?

19 MR. KLINE: Yes. Good morning.
20 Andrew Kline on behalf of the Applicant. Seated
21 to my left is Stuart Davenport, principal of the
22 Applicant.

1 MS. FLETCHER: Thank you. Stuart
2 Davenport.

3 And on behalf of the Group of 7?

4 MS. LEWIS: My name is Carla Lewis,
5 and I live at 86 R Street NW.

6 MS. FLETCHER: Thank you. Ms. Lewis,
7 are there any other members from you group
8 present today?

9 MS. LEWIS: Not yet.

10 MS. FLETCHER: Okay.

11 MS. LEWIS: But I do have a letter
12 from one of the parties. *(10:06:20).

13 MS. FLETCHER: Okay.

14 MS. LEWIS: He wasn't feeling well
15 today.

16 MS. FLETCHER: Thank you.

17 This is a letter of designation from
18 Candida Johnson who is a Protestant in this
19 matter.

20 Candida is spelled C-A-N-D-I-D-A. And
21 her last name is Johnson.

22 Ms. Lewis, do you expect the other

1 members of your group to appear today?

2 MS. LEWIS: I'm expecting two more
3 members. But a couple of the members of the
4 party will not be able to attend because of work
5 obligations.

6 But in the initial letter that I had
7 submitted, it stated that they designated me as
8 their representative.

9 MS. FLETCHER: Thank you very much.
10 Okay.

11 MR. KLINE: Ms. Fletcher, the only
12 letter I have indicates that Michelle Johnson,
13 Rodney Powell or John Davis are designated as
14 representatives.

15 MS. FLETCHER: That is the letter that
16 I have as well, Mr. Kline. It says, "In the
17 event that I cannot attend the hearing or other
18 proceedings where my presence is required, I
19 designate Michelle Johnson, Rodney Powell or John
20 Davis as my representative."

21 The letter does say to contact Carla
22 Lewis should you have any questions regarding

1 this matter. So Ms. Lewis, you're suggesting
2 that that implies that you are designated the
3 representative?

4 MS. LEWIS: I am the designated
5 representative. And I was stating that if I
6 cannot make it, I was designating other
7 representatives. "In the event that I cannot."

8 MR. KLINE: Right. Presumably, that
9 means the seven people that signed the letter.
10 "If I," meaning any of those seven, can't attend
11 --

12 MS. LEWIS: No.

13 MR. KLINE: -- "then Michelle" --

14 MS. LEWIS: And the letter is from me.
15 My name is on the letterhead.

16 MS. FLETCHER: What I'm going to do
17 for the purpose of the Roll Call Hearing is I'm
18 going to accept you as the designated
19 representative for the Group of 7. Mr. Kline may
20 challenge that. If he does, you'll be made aware
21 if there's any motion filed to dismiss the group.
22 For the purpose of the Roll Call Hearing, I'm

1 going to grant a conditional standing to the
2 Group of 7 to allow Mr. Kline an opportunity to
3 object if he chooses to.

4 So Ms. Lewis, let me ask you
5 something. I have your letter here from Candida
6 Johnson designating you as her representative.
7 And you're expecting another person or two?

8 MS. LEWIS: Yes. I was expecting a
9 Mr. Rodney Powell and a Mr. John Davis today.
10 Mr. Edward Jones will not be able to attend
11 today. It's World AIDS Day, and he has
12 obligations with his job. And Ms. Michelle
13 Johnson had meetings today. So she's unable to
14 attend. And Joyce Johnson, after the holiday,
15 she had to return to work today.

16 MS. FLETCHER: Okay. Well, what I'm
17 going to do is let me go ahead and just grant
18 standing to the Group rather than conditional
19 standing. And if Mr. Kline files a motion to
20 dismiss, we'll deal with it that way.

21 Mr. Kline, were you going to say
22 something?

1 MR. KLINE: No.

2 MS. FLETCHER: Okay. So I am granting
3 standing to a Group of 7.

4 Ms. Lewis, would you please put your
5 contact information on that sheet?

6 MS. LEWIS: I did.

7 MS. FLETCHER: Okay. Thank you.

8 We need to set a date for a mediation,
9 a status hearing and a protest hearing. I'll
10 give you the date for the status and protest
11 hearings first.

12 The date for the status hearing is
13 January 28, 2015, at 9:30 a.m.

14 And the date for the protest hearing
15 is February 25, 2015 at 1:30.

16 MS. LEWIS: I'm sorry. That was
17 January 28, did you say?

18 MS. FLETCHER: Yes. January 28 at
19 9:30 a.m.

20 MS. LEWIS: Let me check my calendar,
21 please.

22 MS. FLETCHER: And Ms. Lewis, before

1 I forget it, at the status hearing, four more
2 people from your group will need to appear who
3 are not present today.

4 MS. LEWIS: Yes.

5 MS. FLETCHER: So actually, that is
6 conditional standing.

7 MS. LEWIS: Okay.

8 MS. FLETCHER: It's 10:12, and no
9 other members from your group have arrived. So
10 we're going to make it conditional standing with
11 those four additional people needing to appear on
12 January 28.

13 So we need to set a date for a
14 mediation to occur prior to January 28. I'll
15 give you the next available date for mediation.
16 The next available date is Tuesday, December 9 at
17 9:10, 11:00 or 1:00.

18 MR. KLINE: One o'clock that day?

19 MS. FLETCHER: One is good.

20 MS. LEWIS: Someone from my party is
21 here.

22 MS. FLETCHER: Okay. If you would

1 come forward, sir.

2 Ms. Lewis, is December 9 at 1:00
3 o'clock good for you?

4 MS. LEWIS: I -- if at all possible,
5 I would prefer it to be on December 19, if that's
6 available.

7 MS. FLETCHER: December 19 is not
8 available. But December 18 is. Or we can keep
9 moving through the calendar.

10 MS. LEWIS: Okay. January 2?

11 MS. FLETCHER: To January 2 --

12 MR. KLINE: I won't be in town.

13 MS. FLETCHER: Yes, that's not a good
14 date.

15 MS. LEWIS: January 16?

16 MS. FLETCHER: January 16 is not a
17 good day for me. And January 16 is not a good
18 day and January 23 is not a good day.

19 So do you need a Friday?

20 MS. LEWIS: Yes, if at all possible.

21 But --

22 MS. FLETCHER: Let me check.

1 MR. KLINE: What about the 12th --
2 December 12?

3 MS. LEWIS: No, that's not good.

4 MS. FLETCHER: We could do December 12
5 at 9:00.

6 MS. LEWIS: Then the 19th would be --
7 the 19th is the date that's best for me. Not
8 that -- it'd be on a Friday.

9 MS. FLETCHER: Right. And the every
10 other Friday that you're good, I'm not.

11 MS. LEWIS: Okay. How about the --

12 MS. FLETCHER: We could also do the
13 12th at 1:00 in the afternoon. I just want to
14 throw that out there.

15 MS. LEWIS: What time was the 18th
16 available?

17 MS. FLETCHER: At 9:00, 10:00, 11:00
18 or 1:00.

19 MS. LEWIS: Maybe the 18th at 1:00?

20 MS. FLETCHER: Would that work, Mr.
21 Kline?

22 MR. KLINE: Yes, that's fine with us.

1 MS. FLETCHER: Is that good? So then
2 we'll make it for December 18 at 1:00.

3 And Ms. Lewis, the gentleman that just
4 joined you is?

5 MS. LEWIS: Yes. John Davis.

6 MS. FLETCHER: John Davis.

7 MS. LEWIS: You need to sign in.

8 MR. DAVIS: Sure. My name is John
9 Davis.

10 MS. FLETCHER: Thank you, Mr. Davis.
11 Mr. Davis is a Protestant.

12 So now, Ms. Lewis, you'll need three
13 additional people to show up on the 28th.

14 Okay. So the mediation is set for
15 December 18 at 1:00.

16 Any questions?

17 (No audible response.)

18 MS. FLETCHER: Roll call hearing
19 concluded. Thank you.

20 MS. LEWIS: Thank you. There's
21 January 20 at 9:30, February 25 at 1:30 and
22 December 18 at 1:00 p.m.

1 MS. FLETCHER: Yes.

2 (Whereupon, at 10:16 a.m., off the
3 record until 10:23 a.m.)

4 MS. FLETCHER: Okay. Just for a
5 moment, may we open the record of Big Bear Cafe?

6 MS. LEWIS: Mr. Kline is still here.
7 Stuart's here, too.

8 MS. FLETCHER: Who?

9 MS. LEWIS: Stuart Davenport.

10 MS. FLETCHER: Who's Stuart? Who's
11 Stuart Davenport? Oh, the Applicant. Yes, I
12 know Mr. Kline is still here.

13 MR. KLINE: Yes. For the record,
14 Andrew Kline.

15 MS. FLETCHER: Yes. I'm aware that
16 Mr. Kline is still here. The fact that Mr. Kline
17 is here, that's fine.

18 MS. LEWIS: That's fine. That's good
19 enough. We don't need to get Stu?

20 MS. FLETCHER: No.

21 MS. LEWIS: Okay.

22 MS. FLETCHER: That'll be fine.

1 And so, your name, sir?

2 MR. POWELL: Rodney Powell.

3 MS. FLETCHER: Okay. So Rodney Powell
4 is present.

5 So Ms. Lewis, that means that for your
6 group, two additional people now need to appear
7 for the status hearing because three were present
8 today.

9 MS. LEWIS: Okay.

10 MS. FLETCHER: That's it. Thank you.

11 MS. LEWIS: Thank you.

12 MR. KLINE: Thanks, ma'am.

13 (Whereupon, at 10:24 a.m., the hearing
14 was concluded.)

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